

REFERENCE TITLE: **child support enforcement**

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

## **HB 2205**

Introduced by  
Representatives Hershberger, Bradley, Senators Landrum Taylor, Soltero:  
Representatives Ableser, Anderson, Barto, Campbell CH, Campbell CL,  
DeSimone, McGuire, Murphy, Tobin, Senators Gray L, Huppenthal, Rios

### **AN ACT**

**AMENDING SECTIONS 25-320, 25-500, 25-503, 25-522, 25-535 AND 25-816, ARIZONA REVISED STATUTES; AMENDING TITLE 25, CHAPTER 5, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 25-536 AND 25-537; RELATING TO CHILD SUPPORT ENFORCEMENT.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 25-320, Arizona Revised Statutes, is amended to  
3 read:

4 25-320. Child support; factors; methods of payment; additional  
5 enforcement provisions; definitions

6 A. In a proceeding for dissolution of marriage, legal separation,  
7 maintenance or child support, the court may order either or both parents  
8 owing a duty of support to a child, born to or adopted by the parents, to pay  
9 an amount reasonable and necessary for support of the child, without regard  
10 to marital misconduct.

11 B. If child support has not been ordered by a child support order and  
12 if the court deems child support appropriate, the court shall direct, using a  
13 retroactive application of the child support guidelines to the date of filing  
14 a dissolution of marriage, legal separation, maintenance or child support  
15 proceeding, the amount that the parents shall pay for the past support of the  
16 child and the manner in which payment shall be paid, taking into account any  
17 amount of temporary or voluntary support that has been paid. Retroactive  
18 child support is enforceable in any manner provided by law.

19 C. If the parties lived apart before the date of the filing for  
20 dissolution of marriage, legal separation, maintenance or child support and  
21 if child support has not been ordered by a child support order, the court may  
22 order child support retroactively to the date of separation, but not more  
23 than three years before the date of the filing for dissolution of marriage,  
24 legal separation, maintenance or child support. The court must first  
25 consider all relevant circumstances, including the conduct or motivation of  
26 the parties in that filing and the diligence with which service of process  
27 was attempted on the obligor spouse or was frustrated by the obligor spouse.  
28 If the court determines that child support is appropriate, the court shall  
29 direct, using a retroactive application of the child support guidelines, the  
30 amount that the parents must pay for the past support of the child and the  
31 manner in which payments must be paid, taking into account any amount of  
32 temporary or voluntary support that has been paid.

33 D. The supreme court shall establish guidelines for determining the  
34 amount of child support. The amount resulting from the application of these  
35 guidelines is the amount of child support ordered unless a written finding is  
36 made, based on criteria approved by the supreme court, that application of  
37 the guidelines would be inappropriate or unjust in a particular case. The  
38 supreme court shall review the guidelines at least once every four years to  
39 ensure that their application results in the determination of appropriate  
40 child support amounts. The supreme court shall base the guidelines and  
41 criteria for deviation from them on all relevant factors, including:

- 42 1. The financial resources and needs of the child.
- 43 2. The financial resources and needs of the custodial parent.
- 44 3. The standard of living the child would have enjoyed had the  
45 marriage not been dissolved.

1           4. The physical and emotional condition of the child, and the child's  
2 educational needs.

3           5. The financial resources and needs of the noncustodial parent.

4           6. Excessive or abnormal expenditures, destruction, concealment or  
5 fraudulent disposition of community, joint tenancy and other property held in  
6 common.

7           7. The duration of parenting time and related expenses.

8           E. Even if a child is over the age of majority when a petition is  
9 filed or at the time of the final decree, the court may order support to  
10 continue past the age of majority if all of the following are true:

11           1. The court has considered the factors prescribed in subsection D of  
12 this section.

13           2. The child is severely mentally or physically disabled as  
14 demonstrated by the fact that the child is unable to live independently and  
15 be self-supporting.

16           3. The child's disability began before the child reached the age of  
17 majority.

18           F. If a child reaches the age of majority while the child is attending  
19 high school or a certified high school equivalency program, support shall  
20 continue to be provided during the period in which the child is actually  
21 attending high school or the equivalency program but only until the child  
22 reaches nineteen years of age unless the court enters an order pursuant to  
23 subsection E of this section. Notwithstanding any other law, a parent paying  
24 support for a child over the age of majority pursuant to this section is  
25 entitled to obtain all records related to the attendance of the child in the  
26 high school or equivalency program.

27           G. If a personal check for support payments and handling fees is  
28 rightfully dishonored by the payor bank or other drawee, the person obligated  
29 to pay support shall make any subsequent support payments and handling fees  
30 only by cash, money order, cashier's check, traveler's check or certified  
31 check. If a person required to pay support other than by personal check  
32 demonstrates full and timely payment for twenty-four consecutive months, that  
33 person may pay support by personal check if these payments are for the full  
34 amount, are timely tendered and are not rightfully dishonored by the payor  
35 bank or other drawee.

36           H. Subsection G of this section does not apply to payments made by  
37 means of an assignment.

38           I. If after reasonable efforts to locate the obligee the clerk or  
39 support payment clearinghouse is unable to deliver payments for the period  
40 prescribed in section 25-503 due to the failure of the person to whom the  
41 support has been ordered to be paid to notify the clerk or support payment  
42 clearinghouse of a change in address, the clerk or support payment  
43 clearinghouse shall not deliver further payments and shall return the  
44 payments to the obligor consistent with the requirements of section 25-503.

J. An order for child support shall assign responsibility for providing medical insurance for the child who is the subject of the support order and shall assign responsibility for the payment of any medical costs of the child that are not covered by insurance. In title IV-D cases, the parent responsible pursuant to court order for providing medical insurance for the child shall notify the ~~support payment clearinghouse prescribed in section 46-441~~ CHILD SUPPORT ENFORCEMENT AGENCY IN THE DEPARTMENT OF ECONOMIC SECURITY IF MEDICAL INSURANCE HAS BEEN OBTAINED OR if the child is no longer covered under an ~~employer's~~ insurance plan. ~~The support payment clearinghouse shall notify the child support enforcement agency in the department of economic security of the lapse in insurance coverage.~~

K. IF THE COURT FINDS THAT NEITHER PARENT HAS MEDICAL INSURANCE THAT IS ACCESSIBLE AND AVAILABLE AT A REASONABLE COST, THE COURT SHALL:

1. ORDER ONE PARENT TO PROVIDE IT WHEN IT BECOMES ACCESSIBLE AND AVAILABLE AT A REASONABLE COST.

2. EXCEPT FOR GOOD CAUSE SHOWN, ESTABLISH A REASONABLE MONTHLY CASH MEDICAL SUPPORT AMOUNT. IF MEDICAL ASSISTANCE IS BEING PROVIDED TO A CHILD UNDER TITLE XIX OF THE SOCIAL SECURITY ACT, CASH MEDICAL SUPPORT IS ASSIGNED TO THE STATE PURSUANT TO SECTION 46-407.

3. ORDER THAT UNTIL MEDICAL INSURANCE IS ACCESSIBLE AND AVAILABLE AT A REASONABLE COST THE PARTIES SHALL SHARE MEDICAL COSTS IN EXCESS OF THE CASH MEDICAL SUPPORT AMOUNT ACCORDING TO THE ASSIGNED RESPONSIBILITY FOR UNINSURED COSTS.

~~K.~~ L. In title IV-D cases, the superior court shall accept for filing any documents that are received through electronic transmission if the electronically reproduced document states that the copy used for the electronic transmission was certified before it was electronically transmitted.

~~L.~~ M. The court shall presume, in the absence of contrary testimony, that a noncustodial parent is capable of full-time employment at least at the federal adult minimum wage. This presumption does not apply to noncustodial parents who are under the age of eighteen and who are attending high school.

~~M.~~ N. An order for support shall provide for an assignment pursuant to sections 25-504 and 25-323.

~~N.~~ O. Each licensing board or agency that issues professional, recreational or occupational licenses or certificates shall record on the application the social security number of the applicant and shall enter this information in its database in order to aid the department of economic security in locating parents or their assets or to enforce child support orders. This subsection does not apply to a license that is issued pursuant to title 17 and that is not issued by an automated drawing system. If a licensing board or agency allows an applicant to use a number other than the social security number on the face of the license or certificate while the licensing board or agency keeps the social security number on file, the licensing board or agency shall advise an applicant of this fact.

1           ~~0.~~ P. For the purposes of this section:

2           1. "ACCESSIBLE" MEANS THAT INSURANCE IS AVAILABLE IN THE GEOGRAPHIC  
3 REGION WHERE THE CHILD RESIDES.

4           ~~1.~~ 2. "Child support guidelines" means the child support guidelines  
5 that are adopted by the state supreme court pursuant to 42 United States Code  
6 sections 651 through 669B.

7           ~~2.~~ 3. "Date of separation" means the date the married parents ceased  
8 to cohabit.

9           4. "REASONABLE COST" MEANS AN AMOUNT THAT DOES NOT EXCEED THE HIGHER  
10 OF FIVE PER CENT OF THE GROSS INCOME OF THE OBLIGATED PARENT OR SUCH OTHER  
11 INCOME-BASED NUMERIC STANDARD THAT IS PRESCRIBED IN THE CHILD SUPPORT  
12 GUIDELINES.

13           ~~3.~~ 5. "Support" has the same meaning prescribed in section 25-500.

14           ~~4.~~ 6. "Support payments" means the amount of money ordered by the  
15 court to be paid for the support of the minor child or children.

16           Sec. 2. Section 25-500, Arizona Revised Statutes, is amended to read:

17           ~~25-500.~~ Definitions

18           In this chapter, unless the context otherwise requires:

19           1. "Arrearage" means the total unpaid support owed, including child  
20 support, past support, spousal maintenance and interest.

21           2. "Business day" means a day when state offices are open for regular  
22 business.

23           3. "Child support guidelines" means the child support guidelines that  
24 are adopted by the state supreme court.

25           4. "Child support subpoena" means a subpoena issued pursuant to  
26 section 25-520.

27           5. "Department" means the department of economic security.

28           6. "Income" means any form of payment owed to an individual,  
29 regardless of source, including wages, salaries, commissions, bonuses,  
30 workers' compensation, disability payments, payments pursuant to a pension or  
31 retirement program and interest.

32           7. "Obligee" means a person or agency entitled to receive support.

33           8. "Obligor" means a person obligated to pay support.

34           9. "Support" means the provision of maintenance or subsistence and  
35 includes medical insurance coverage, OR CASH MEDICAL SUPPORT, and uncovered  
36 medical costs for the child, arrearages, interest on arrearages, past  
37 support, interest on past support and reimbursement for expended public  
38 assistance. In a title IV-D case, support includes spousal maintenance that  
39 is included in the same order that directs child support.

40           10. "Support payment clearinghouse" means the clearinghouse established  
41 pursuant to section 46-441.

42           11. "Title IV-D" means title IV-D of the social security act.

1           Sec. 3. Section 25-503, Arizona Revised Statutes, is amended to read:  
2           25-503. Order for support; methods of payment; modification;  
3                   termination; statute of limitations; judgment on  
4                   arrearages; notice; security

5           A. In any proceeding in which there is at issue the support of a  
6 child, the court may order either or both parents to pay any amount necessary  
7 for the support of the child.

8           B. IN A TITLE IV-D CASE, THE DEPARTMENT OR ITS AGENT MAY SERVE THE  
9 PARTIES, PURSUANT TO THE ARIZONA RULES OF FAMILY LAW PROCEDURE, WITH A NOTICE  
10 OF MANDATORY CONFERENCE THAT DIRECTS THEM TO APPEAR ON A DATE AND AT A TIME  
11 AND LOCATION SPECIFIED IN THE NOTICE. WITH THE NOTICE THE DEPARTMENT OR ITS  
12 AGENT SHALL SERVE THE PARTIES WITH A CHILD SUPPORT GUIDELINE WORKSHEET AND A  
13 PROPOSED CHILD SUPPORT ORDER. THE DEPARTMENT OR ITS AGENT MAY RESCHEDULE THE  
14 MANDATORY CONFERENCE FOR A DATE AND TIME NOT LATER THAN TEN DAYS AFTER THE  
15 ORIGINAL DATE. ON STIPULATION OF THE PARTIES, THE DEPARTMENT OR ITS AGENT  
16 SHALL ISSUE AN ADMINISTRATIVE ORDER OF CHILD SUPPORT AND SHALL FILE A COPY OF  
17 THE ORDER WITH THE CLERK OF THE SUPERIOR COURT. THE ORDER HAS THE SAME FORCE  
18 AND EFFECT AS A JUDGMENT OF THE SUPERIOR COURT.

19           C. IF BOTH PARTIES APPEAR AT THE MANDATORY CONFERENCE BUT ARE UNABLE  
20 TO REACH AN AGREEMENT, THE DEPARTMENT OR ITS AGENT SHALL FILE A REQUEST FOR A  
21 HEARING TO ESTABLISH SUPPORT ALONG WITH A CHILD SUPPORT GUIDELINE WORKSHEET,  
22 A PROPOSED CHILD SUPPORT ORDER AND AFFIDAVITS OF SERVICE ON THE PARTIES. THE  
23 COURT BY MINUTE ENTRY SHALL SET A HEARING TO ESTABLISH SUPPORT AND NOTIFY THE  
24 PARTIES OF THE DATE, TIME AND LOCATION OF THE HEARING.

25           D. IF EITHER PARTY FAILS TO ATTEND THE CONFERENCE, THE DEPARTMENT OR  
26 ITS AGENT MAY ISSUE A TEMPORARY ADMINISTRATIVE ORDER OF SUPPORT THAT IS  
27 CONSISTENT WITH THE PROPOSED ORDER. THE DEPARTMENT OR ITS AGENT SHALL  
28 PROMPTLY FILE THE ORDER WITH THE CLERK OF THE COURT ALONG WITH AFFIDAVITS OF  
29 SERVICE ON THE PARTIES. THE DEPARTMENT OR ITS AGENT SHALL ALSO MAIL A COPY  
30 OF THE TEMPORARY ORDER TO THE PARTIES WITH A NOTICE THAT STATES THAT THE  
31 TEMPORARY ORDER OF SUPPORT WILL BECOME FINAL SIXTY DAYS AFTER IT IS ISSUED  
32 UNLESS EITHER PARTY OR THE STATE REQUESTS A HEARING. IF NO PARTY REQUESTS A  
33 HEARING, THE FINALIZED ORDER HAS THE SAME FORCE AND EFFECT AS A JUDGMENT OF  
34 THE SUPERIOR COURT. IF ANY PARTY DISPUTES THE TEMPORARY ORDER WITHIN SIXTY  
35 DAYS BY FILING A REQUEST FOR A HEARING, THE COURT BY MINUTE ENTRY SHALL SET A  
36 HEARING TO ESTABLISH SUPPORT AND NOTIFY THE PARTIES OF THE DATE, TIME AND  
37 LOCATION OF THE HEARING.

38           E. If the court order OR THE ADMINISTRATIVE ORDER OF SUPPORT does not  
39 specify the date when current support begins, the support obligation begins  
40 to accrue on the first day of the month following the entry of the order. If  
41 a personal check for support payments and handling fees is rightfully  
42 dishonored by the payor bank or other drawee, any subsequent support payments  
43 and handling fees shall be paid only by cash, money order, cashier's check,  
44 traveler's check or certified check. The department may collect from the  
45 drawer of a dishonored check or draft an amount allowed pursuant to section

1 44-6852. Pursuant to sections 35-146 and 35-147, the department shall  
2 deposit monies collected pursuant to this subsection in a child support  
3 enforcement administration fund. If a party required to pay support other  
4 than by personal check demonstrates full and timely payment for twenty-four  
5 consecutive months, that party may pay support by personal check if these  
6 payments are for the full amount, are timely tendered and are not rightfully  
7 dishonored by the payor bank or other drawee. On a showing of good cause,  
8 the court may order that the party or parties required to pay support give  
9 reasonable security for these payments. If the court sets an appearance bond  
10 and the obligor fails to appear, the bond is forfeited and credited against  
11 any support owed by the party required to pay support. This subsection does  
12 not apply to payments that are made by means of a wage assignment.

13 ~~B.~~ F. On a showing that an income withholding order has been  
14 ineffective to secure the timely payment of support and that an amount equal  
15 to six months of current support has accrued, the court shall require the  
16 obligor to give security, post bond or give some other guarantee to secure  
17 overdue support.

18 ~~C.~~ G. In title IV-D cases, and in all other cases subject to an  
19 income withholding order issued on or after January 1, 1994, after notice to  
20 the party entitled to receive support, the department or its agent may direct  
21 the party obligated to pay support or other payor to make payment to the  
22 support payment clearinghouse. The department or its agent shall provide  
23 notice by first class mail.

24 ~~D.~~ H. The obligation for current child support shall be fully met  
25 before any payments under an order of assignment may be applied to the  
26 payment of arrearages. If a party is obligated to pay support for more than  
27 one family and the amount available is not sufficient to meet the total  
28 combined current support obligation, any monies shall be allocated to each  
29 family as follows:

30 1. The amount of current support ordered in each case shall be added  
31 to obtain the total support obligation.

32 2. The ordered amount in each case shall be divided by the total  
33 support obligation to obtain a percentage of the total amount due.

34 3. The amount available from the obligor's income shall be multiplied  
35 by the percentage under paragraph 2 of this subsection to obtain the amount  
36 to be allocated to each family.

37 ~~E.~~ I. Any order for child support may be modified or terminated on a  
38 showing of changed circumstance that is substantial and continuing, except as  
39 to any amount that may have accrued as an arrearage before the date of notice  
40 of the motion or order to show cause to modify or terminate. The addition of  
41 health insurance coverage as defined in section 25-531 or a change in the  
42 availability of health insurance coverage may constitute a continuing and  
43 substantial change in circumstance. Modification and termination are  
44 effective on the first day of the month following notice of the petition for  
45 modification or termination unless the court, for good cause shown, orders

1 the change to become effective at a different date but not earlier than the  
2 date of filing the petition for modification or termination. The order of  
3 modification or termination may include an award of attorney fees and court  
4 costs to the prevailing party.

5 ~~F.~~ J. On petition of a person who has been ordered to pay child  
6 support pursuant to a presumption of paternity established pursuant to  
7 section 25-814, the court may order the petitioner's support to terminate if  
8 the court finds based on clear and convincing evidence that paternity was  
9 established by fraud, duress or material mistake of fact. Except for good  
10 cause shown, the petitioner's support obligations continue in effect until  
11 the court has ruled in favor of the petitioner. The court shall order the  
12 petitioner, each child who is the subject of the petition and the child's  
13 mother to submit to genetic testing and shall order the appropriate testing  
14 procedures to determine the child's inherited characteristics, including  
15 blood and tissue type. If the court finds that the petitioner is not the  
16 child's biological father, the court shall vacate the determination of  
17 paternity and terminate the support obligation. Unless otherwise ordered by  
18 the court, an order vacating a support obligation is prospective and does not  
19 alter the petitioner's obligation to pay child support arrearages or any  
20 other amount previously ordered by the court. If the court finds that it is  
21 in the child's best interests, the court may order the biological father to  
22 pay restitution to the petitioner for any child support paid before the court  
23 ruled in favor of the petitioner pursuant to this subsection.

24 ~~G.~~ K. Notwithstanding subsection ~~E.~~ I of this section, in a title  
25 IV-D case a party, or the department or its agent if there is an assignment  
26 of rights under section 46-407, may request every three years that an order  
27 for child support be reviewed and, if appropriate, adjusted. The request may  
28 be made without a specific showing of a changed circumstance that is  
29 substantial and continuing. The department or its agent shall conduct the  
30 review in accordance with the child support guidelines of this state. If  
31 appropriate, the department shall file a petition in the superior court to  
32 adjust the support amount. Every three years the department or its agent  
33 shall notify the parties of their right to request a review of the order for  
34 support. The department or its agent shall notify the parties by first class  
35 mail at their last known address or by including the notice in an order.

36 ~~H.~~ L. If a party in a title IV-D case requests a review and  
37 adjustment sooner than three years, the party shall demonstrate a changed  
38 circumstance that is substantial and continuing.

39 ~~I.~~ M. The right of a party entitled to receive support or the  
40 department to receive child support payments as provided in the court order  
41 vests as each installment falls due. Each vested child support installment  
42 is enforceable as a final judgment by operation of law. The department or  
43 its agent or a party entitled to receive support may also file a request for  
44 written judgment for support arrearages.



1       ~~J.~~ N. If the obligee, the department or their agents make efforts to  
2 collect a child support debt more than ten years after the emancipation of  
3 the youngest child subject to the order, the obligor may assert as a defense,  
4 and has the burden to prove, that the obligee or the department unreasonably  
5 delayed in attempting to collect the child support debt. On a finding of  
6 unreasonable delay a tribunal, as defined in section 25-1202, may determine  
7 that some or all of the child support debt is no longer collectible after the  
8 date of the finding.

9       ~~K.~~ O. Notwithstanding any other law, any judgment for support and for  
10 associated costs and attorney fees is exempt from renewal and is enforceable  
11 until paid in full.

12       ~~L.~~ P. If a party entitled to receive child support or spousal  
13 maintenance or the department or its agent enforcing an order of support has  
14 not received court ordered payments, the party entitled to receive support or  
15 spousal maintenance or the department or its agent may file with the clerk of  
16 the superior court a request for judgment of arrearages and an affidavit  
17 indicating the name of the party obligated to pay support and the amount of  
18 the arrearages. The request must include notice of the requirements of this  
19 section and the right to request a hearing within twenty days after service  
20 in this state or within thirty days after service outside this state. The  
21 request, affidavit and notice must be served pursuant to the Arizona rules of  
22 civil procedure on all parties, including the department or its agents in  
23 title IV-D cases. In a title IV-D case, the department or its agent may  
24 serve all parties by certified mail, return receipt requested. Within twenty  
25 days after service in this state or within thirty days after service outside  
26 this state, a party may file a request for a hearing if the arrearage amount  
27 or the identity of the person is in dispute. If a hearing is not requested  
28 within the time provided, or if the court finds that the objection is  
29 unfounded, the court must review the affidavit and grant an appropriate  
30 judgment against the party obligated to pay support.

31       ~~M.~~ Q. If after reasonable efforts to locate the obligee the clerk or  
32 support payment clearinghouse is unable to deliver payments for a period of  
33 one hundred twenty days after the date the first payment is returned as  
34 undeliverable due to the failure of a party to whom the support has been  
35 ordered to be paid to notify the clerk or support payment clearinghouse of a  
36 change in address, the clerk or support payment clearinghouse shall return  
37 that and all other unassigned payments to the obligor unless there is an  
38 agreement of the obligor to pay assigned arrears and other debts owed to the  
39 state.

40       ~~N.~~ R. If the obligee of a child support order marries the obligor of  
41 the child support order, that order automatically terminates on the last day  
42 of the month in which the marriage takes place and arrearages do not accrue  
43 after that date. However, the obligee or the state may collect child support  
44 arrearages that accrued before that date. The obligee, the obligor or the  
45 department or its agent in a title IV-D case may file a request or

1 stipulation to terminate or adjust any existing order of assignment, pursuant  
2 to section 25-504 or section 25-505.01.

3 ~~0.~~ S. For the purposes of this chapter, a child is emancipated:

4 1. On the date of the child's marriage.

5 2. On the child's eighteenth birthday.

6 3. When the child is adopted.

7 4. When the child dies.

8 5. On the termination of the support obligation if support is extended  
9 beyond the age of majority pursuant to section 25-501, subsection A or  
10 section 25-320, subsections E and F.

11 Sec. 4. Section 25-522, Arizona Revised Statutes, is amended to read:

12 25-522. Administrative review; notice; determination; judicial  
13 review; definitions

14 A. An obligor may contest an enforcement action by the department or  
15 its agent by filing a request for administrative review. An obligee may  
16 contest the distribution or disbursement of support payments by the  
17 department or its agent by filing a request for administrative review. The  
18 obligor, the obligee or the caretaker may contest the disbursement of support  
19 to a noncustodial person other than the state by filing a request for  
20 administrative review pursuant to section 46-444. The request shall be in  
21 writing, shall be signed by the requesting party, shall include a residential  
22 and mailing address and may be transmitted electronically. The request shall  
23 state the basis for the dispute and shall include any relevant information to  
24 assist the department or its agent, including a copy of any order issued,  
25 documentation of support payments made and any notice sent by the department  
26 or its agent.

27 B. Within ten business days after receipt of the request for review,  
28 the department or its agent shall send a notice of acknowledgment of receipt  
29 of request for administrative review to the person filing the request and  
30 shall specify any additional information the department or its agent requires  
31 to complete the review. The department or its agent on its own initiative  
32 may also request any other additional information it deems necessary to make  
33 its determination. The department or its agent shall also notify the obligee  
34 of the obligor's request for review of enforcement actions.

35 C. Except for obligee complaints made under section 46-408 as to  
36 distribution of support, the department or its agent shall issue a written  
37 determination within forty-five business days after sending the notice of  
38 acknowledgment of receipt of request for administrative review, or if  
39 additional information is required, forty-five business days after receipt of  
40 this information. If additional information is not received from the  
41 requesting party or another person within thirty business days after the date  
42 of the department's or the agent's request for additional information, the  
43 department shall issue a final written determination within ten business days  
44 after the due date for receipt of the additional information based on the

1 available information. The final determination shall be in writing, and a  
2 copy shall be served on all parties by first class mail.

3 D. Notwithstanding subsections B and C of this section, if the basis  
4 for the request for review is issuance of an income withholding order by the  
5 department pursuant to section 25-505.01 or a levy made pursuant to section  
6 25-521, the department shall review the request and issue a final  
7 determination within ten business days after it receives the request for  
8 review. The department shall send a copy of the final determination by first  
9 class mail to all parties.

10 E. Notwithstanding subsections B, C and D of this section, if the  
11 basis for the request for review is a mistake in identity pursuant to section  
12 25-521, the department shall issue a final determination by first class mail  
13 to all parties within two business days after the receipt of the  
14 request. The request shall include adequate documentation to affirm the  
15 mistake in identity.

16 F. A department determination made pursuant to this section is subject  
17 to judicial review under title 12, chapter 7, article 6 except that an appeal  
18 by an obligee of a department determination made pursuant to this section  
19 regarding the distribution of support payments shall be made pursuant to  
20 title 41, chapter 14, article 3.

21 G. For THE purposes of this section:

22 1. "Business day" means a day on which state offices are open for  
23 regular business.

24 2. "Department" includes the department's agent.

25 3. "Enforcement action" means an action taken by the department to:

26 (a) Suspend or deny a license.

27 (b) Issue a notice of lien against real or personal property.

28 (c) Issue a notice of levy against assets held by or on behalf of an  
29 obligor.

30 (d) Issue an income withholding order or order to modify or terminate  
31 an income withholding order.

32 (e) Report an obligor to a consumer reporting agency.

33 (f) Issue a medical support notice of enrollment prescribed by the  
34 United States secretary of health and human services.

35 (g) Offset federal payments.

36 (h) Disburse support to a caretaker.

37 (i) ISSUE, MODIFY OR SUSPEND A MEDICAL SUPPORT ORDER.

38 Sec. 5. Section 25-535, Arizona Revised Statutes, is amended to read:

39 25-535. Enforcement of health insurance coverage; medical  
40 support notice; administrative review

41 A. In a title IV-D case, a parent who is required by an administrative  
42 or court order to provide health insurance coverage for a child shall provide  
43 the department or its agent with the name of the health insurance coverage  
44 plan under which the child is covered, the effective date of the coverage, a  
45 description of the coverage, the name of the employer and any other necessary

1 information, forms or documents related to the health insurance coverage as  
2 provided to all new members within thirty days after the support order is  
3 established **OR NEW INSURANCE IS OBTAINED.**

4 B. If an administrative or court order requires a parent to obtain  
5 health insurance coverage for the parent's child, the department or its agent  
6 may deliver by first class mail to the obligated parent's employer a medical  
7 support notice to enroll the child in an insurance program as prescribed by  
8 that order. The department or its agent shall use the medical support notice  
9 to enroll prescribed by the United States secretary of health and human  
10 services pursuant to 42 United States Code section 651. The employer shall  
11 deliver or mail by first class mail or by electronic means a copy of the  
12 medical support notice to enroll to the obligated parent within ten days  
13 after the employer receives the notice. The notice serves to enroll the  
14 child in the obligated parent's health insurance coverage plan. That parent  
15 may contest the notice by filing a written request for an administrative  
16 review within ten days after the parent receives a copy of the notice from  
17 the employer. The department shall conduct an administrative review pursuant  
18 to section 25-522. If a parent contests the notice, the department or its  
19 agent shall notify the employer by first class mail or electronic means that  
20 the parent has contested the medical support notice to enroll. The employer  
21 shall send the employee contributions until the department notifies the  
22 employer to cease withholding. An administrative review is limited to  
23 determining if:

24 1. Medical support is unlawful or inconsistent with an administrative  
25 or court order.

26 2. A mistaken identity exists.

27 3. The responsible party pursuant to the order provides alternative  
28 coverage.

29 **4. THE OTHER PARENT IS ALREADY PROVIDING MEDICAL INSURANCE FOR THE**  
30 **CHILD PURSUANT TO COURT ORDER.**

31 **5. INSURANCE COVERAGE IS ACCESSIBLE AND AVAILABLE AT A REASONABLE COST**  
32 **AS DEFINED IN SECTION 25-320.**

33 C. If an employee on whom an income withholding order or order of  
34 assignment and notice is served is a new employee who is entered into the  
35 state directory of new hires pursuant to section 23-722.01, the department or  
36 its agent shall provide the medical support notice to enroll to the obligated  
37 parent's employer within two days after the date of entry in the state  
38 directory of new hires unless the responsible party pursuant to the order  
39 provides alternative coverage.

40 D. If the obligated parent who is required by a court or an  
41 administrative order to obtain health insurance coverage changes employment  
42 and the new employer is known to the department or its agent, the department  
43 or its agent shall use the medical support notice to enroll to transfer  
44 notice to the new employer. Within thirty days after the obligated parent  
45 changes employment, the obligated parent shall provide the department or its

1 agent with the name of the health insurance coverage plan under which the  
2 child is covered, the effective date of the coverage, a description of the  
3 coverage, the name of the employer and any other necessary information, forms  
4 or documents related to the health insurance coverage as provided to all new  
5 members. Within twenty business days after it receives the medical support  
6 notice to enroll, the employer shall transfer the notice to the appropriate  
7 health insurance plan that provides coverage for which the child is eligible.

8 E. A medical support notice to enroll has the same effect as an  
9 enrollment application that is signed by the parent.

10 F. If the employer does not have existing dependent coverage when it  
11 receives the medical support notice to enroll, the employer is not required  
12 to create this coverage. The employer shall notify the department or its  
13 agent of this fact within ten days after receiving the medical support notice  
14 to enroll.

15 Sec. 6. Title 25, chapter 5, article 2, Arizona Revised Statutes, is  
16 amended by adding sections 25-536 and 25-537, to read:

17 25-536. Administrative medical support orders

18 A. IN A TITLE IV-D CASE, IF A PARENT WHO IS ORDERED TO PAY CASH  
19 MEDICAL SUPPORT PURSUANT TO SECTION 25-320, SUBSECTION K PROVIDES PROOF THAT  
20 THE PARENT HAS OBTAINED MEDICAL INSURANCE FOR THE MINOR CHILD OR MEDICAL  
21 INSURANCE IS INITIATED PURSUANT TO SECTION 25-535, THE DEPARTMENT OR ITS  
22 AGENT MAY ISSUE AN ADMINISTRATIVE ORDER SUSPENDING THE CASH PAYMENT FOR THE  
23 PERIOD THAT THE MEDICAL INSURANCE IS PROVIDED.

24 B. IN A TITLE IV-D CASE, IF A PARENT HAS BEEN ORDERED TO PROVIDE  
25 MEDICAL INSURANCE WHEN IT IS AVAILABLE AT A REASONABLE COST AND THE PARENT  
26 HAS BEEN UNABLE TO PROVIDE MEDICAL INSURANCE, THE DEPARTMENT OR ITS AGENT MAY  
27 ISSUE AN ORDER ESTABLISHING CASH MEDICAL SUPPORT IN AN AMOUNT NOT TO EXCEED  
28 THE AMOUNT THAT WOULD BE CONSIDERED A REASONABLE COST FOR MEDICAL INSURANCE  
29 PURSUANT TO SECTION 25-320. THE CASH MEDICAL ORDER AMOUNT MAY BE COLLECTED  
30 BY ASSIGNMENT PURSUANT TO SECTION 25-504 OR 25-505.01.

31 C. IN A TITLE IV-D CASE, ON AGREEMENT OF THE PARENTS, THE DEPARTMENT  
32 OR ITS AGENT MAY ISSUE AN ADMINISTRATIVE ORDER CHANGING RESPONSIBILITY FOR  
33 PROVIDING MEDICAL INSURANCE FROM BOTH PARENTS TO ONE PARENT OR FROM ONE  
34 PARENT TO THE OTHER PARENT.

35 D. THE DEPARTMENT OR ITS AGENT SHALL FILE A COPY OF AN ORDER ISSUED  
36 PURSUANT TO THIS SECTION WITH THE COURT THAT ISSUED THE MEDICAL SUPPORT  
37 ORDER.

38 25-537. Enforcement of cash medical support orders

39 THE AMOUNT THAT AN OBLIGOR IS ORDERED TO PAY FOR CASH MEDICAL SUPPORT  
40 IS A CHILD SUPPORT OBLIGATION AND IS ENFORCEABLE IN THE SAME MANNER AS A  
41 CHILD SUPPORT ORDER.

1           Sec. 7. Section 25-816, Arizona Revised Statutes, is amended to read:  
2           25-816. Title IV-D child support: paternity establishment:  
3                 genetic testing

4           A. On receipt of a sworn statement by the mother or the alleged father  
5           alleging paternity and setting forth the facts establishing a reasonable  
6           possibility of the requisite sexual contact between the parties, the  
7           department of economic security or its agent may order the mother, her child  
8           or children and the alleged father to submit to the drawing of blood or  
9           tissue samples for genetic testing of a type generally acknowledged as  
10          reliable by accreditation bodies. If the mother cannot be located the  
11          department or its agent may order the caretaker of the child or children to  
12          present the child or children for genetic testing. The order shall be served  
13          by first class mail or delivered at least ten business days before the  
14          genetic testing. The department or its agent shall pay the costs of the test  
15          subject to repayment from the mother or the alleged father if paternity is  
16          established. An order of genetic testing issued by the department or its  
17          agent has the same force and effect as a superior court order.

18          B. If the results of the genetic testing indicate that the likelihood  
19          of the alleged father's paternity is ninety-five per cent or greater, the  
20          alleged father is presumed to be the parent of the child and the party  
21          opposing the establishment of the alleged father's paternity shall establish  
22          by clear and convincing evidence that he is not the father of the child.

23          C. A person who is tested pursuant to this section may contest the  
24          test results in writing to the department or its agent within thirty days  
25          after the department or its agent mails the results to that person. If the  
26          original test results are contested in a timely manner, on request and  
27          advance payment by the requesting party, the department or its agent shall  
28          order a second genetic test pursuant to subsection A **OF THIS SECTION.**

29          **D. THE DEPARTMENT OR ITS AGENT SHALL ISSUE AN ADMINISTRATIVE ORDER OF**  
30          **PATERNITY THAT HAS THE SAME FORCE AND EFFECT AS A JUDGMENT OF THE SUPERIOR**  
31          **COURT IF A PRESUMPTION OF PATERNITY IS ESTABLISHED PURSUANT TO SUBSECTION B**  
32          **OF THIS SECTION AND A TIMELY WRITTEN CHALLENGE HAS NOT BEEN FILED PURSUANT TO**  
33          **SUBSECTION C OF THIS SECTION, OR IF A PRESUMPTION OF PATERNITY IS ESTABLISHED**  
34          **PURSUANT TO SECTION 25-812, SUBSECTION A, PARAGRAPH 2. THE DEPARTMENT OR ITS**  
35          **AGENT SHALL FILE THE ADMINISTRATIVE ORDER WITH THE CLERK OF THE COURT AND**  
36          **SEND A COPY OF THE ORDER TO BOTH PARTIES. THE ADMINISTRATIVE ORDER IS**  
37          **SUBJECT TO JUDICIAL REVIEW PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6.**